

Members

Sen. Connie Lawson, Chairperson
Sen. Sue Landske
Sen. Billie Breaux
Sen. Allie Craycraft
Rep. Kathy Richardson
Rep. Robert Behning
Rep. Thomas Kromkowski
Rep. Ed Mahern



CENSUS DATA ADVISORY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Robert Rudolph, Attorney for the Committee
Chris Baker, Fiscal Analyst for the Committee

Authority: IC 2-5-19

MEETING MINUTES¹

Meeting Date: August 16, 2005
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Connie Lawson, Chairperson; Sen. Billie Breaux; Sen. Allie Craycraft; Rep. Kathy Richardson; Rep. Robert Behning; Rep. Thomas Kromkowski; Rep. Ed Mahern.

Members Absent: Sen. Sue Landske.

(1) Call to Order.

The Chair, Senator Lawson, called the meeting to order at 1:07 p.m.

(2) Introduction of Members.

Committee members and staff present introduced themselves.

1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

(3) Review and Discussion of SB 311-2005 (Senator Antich-Carr).

The Chair recognized Senator Antich-Carr for discussion of SB 311-2005.² Senator Antich-Carr said that the recent death of Governor O'Bannon and the deaths of other candidates indicated that there is a need to clarify what should be done with a deceased candidate's campaign funds. She explained that SB 311 would provide for the disbanding of a candidate's committee upon the candidate's death.

Senator Antich-Carr also proposed that the bill be expanded to cover the case of a candidate who is removed from office or becomes ineligible to hold office under the provisions of SEA 18³ enacted during the 2005 Session. The Senator suggested that on page 3, line 34 of the bill after "dies," the language "or upon the individual becoming ineligible to seek or hold public office" be added.

Committee discussion included suggestions to coordinate the language of the bill with the provisions of SEA 18 and SEA 179-2005.⁴ Dale Simmons, Co-General Counsel of the Election Division explained the background of SEA 179. The Chair requested committee staff and legal staff of the Election Division to make certain that the provisions of a redrafted SB 311 were coordinated properly with SEA 18 and SEA 179.

(4) Review and Discussion of Election Division recommendations.

The Chair recognized Kristi Robertson, Co-Director of the Election Division to present the Division's recommendations for amendments to election law. Ms. Robertson, Mr. Simmons, and Mr. Cody Kendall (the latter both Co-General Counsels of the Election Division) each explained the content of a memorandum to the Chair from Ms. Robertson and J. Bradley King, Co-Directors of the Indiana Election Division.⁵

Mr. Simmons discussed the first three items of the Memorandum,⁶ characterizing all of the proposals as technical.

Ms. Robertson presented the fourth item to authorize a program of "election judges for charity." Ms. Robertson noted that the issue was brought to the Election Division by certain nonprofit organizations that have proposed encouraging their members to serve as election judges and whose compensation would be paid to the organization. Representative Kromkowski expressed reservations concerning the idea noting possible federal tax complications and potential First Amendment problems if religious organizations were to request to participate in the program. Senator Craycraft wondered why members of nonprofit organizations could not volunteer under current law and directly

2. A copy of the Introduced Version of SB 311-2005 is Exhibit 1 to these Minutes.

3. SEA 18 is P.L.113-2005.

4. SEA 179 is P.L.119-2005. This Act makes provision for notice to be officially given to the proper authority if an individual holding a public office dies so that the resulting vacancy can be filled.

5. A copy of the Memorandum is Exhibit 2 to these Minutes.

6. Item #1: Repealing Obsolete Application Dates and Provisions in Election Code; Updating Obsolete Election Schedules. Item #2: Clarifying County Office for Filing Final Record of Precinct Boundary Changes. Item #3: Update Cross-References in Small Town Election Code Chapter.

pay their compensation to the organization. Representative Richardson asked that the idea not be rejected out-of-hand because counties desperately need people to work the polls. The Chair asked Julia Vaughn whether she had heard of the concept during her extensive work with nonprofit organizations. Ms. Vaughn responded that she had not previously heard of the idea. She did say that she knew that there might be additional issues if government employees are asked to work the polls because election day is a state holiday. No Committee members or individuals attending the meeting were aware that any other state had such a program.

Ms. Robertson discussed the fifth item in the memorandum relating to the ongoing implementation of the statewide voter registration system. Ms. Robertson discussed the following: the relationship of the system with jury pool management function issues, interactions between the statewide system and the Bureau of Motor Vehicles databases, and the statewide voter registration system pilot project and implementation.

In response to a question from the Chair, Ms. Robertson explained that the statewide voter registration list will not have a jury management function because selection of jurors is within the authority of the courts. Senator Craycraft asked about accessibility and information exchange functions of the new system. He also asked Ms. Robertson whether the new system would allow for purges. Ms. Robertson responded that under the National Voter Registration Act, purges still could not be done, but the new registration system would give election officials better tools to keep the registration rolls updated.

In response to Committee questions, Ms. Robertson described the pilot project stating that twenty counties were currently in the project and approximately seven counties are joining each week. Under the federal Help America Vote Act, the statewide voter registration list must be functioning not later than January 1, 2006.

Mr. Kendall discussed the final item of the Memorandum relating to candidate filing and special election procedures. The Committee discussed the proposal to permit election officials to reject obviously late candidate filings or other candidate filings that on their face do not comply with law. Under existing law such filings must be accepted. The only way that such filings can be rejected are as a consequence of an administrative proceeding.

(5) Public Testimony.

No members of the public asked to speak to the Committee.

(6) Other Committee Business.

Staff distributed the following documents from the 2005 Session that embody different policies relating to counting provisional ballots:

MO 048311 authored by Representative Mahern⁷

MO 048002 authored by Representative Mahern⁸

7. MO 048311 is Exhibit #3 to these Minutes.

8. MO 048002 is Exhibit #4 to these Minutes.

MO 048005 authored by Representative Murphy⁹
 A copy of SECTION 99 of HEA 1407-2005¹⁰

Committee members briefly discussed these documents. The Committee discussed use of provisional ballots in two cases: (1) the case of a voter who is on the precinct poll list and is challenged; and (2) the case of a voter who is not on the poll list but presents a certificate of error. Representative Kromkowski stated that it is wrong not to count a voter's ballot because of a poll worker's technical error. The Chair announced that the Committee would have a more extensive discussion of the issue at the next meeting.

Representative Mahern said that he has learned since the end of the 2005 Session that due to an inadvertent amendment in a separate bill, the deadline for a voter to present a photo identification to the circuit court clerk to enable the counting of the voter's provisional ballot is the same as the deadline for certification of election results. Representative Mahern pointed out that he understood that everyone's intent was that the certification deadline should fall *after* the deadline for a voter to present the voter's photo identification. Various other Committee members expressed the same understanding. Mr. Kendall outlined the Election Division's analysis of what had happened during the Session to produce the current state of the law. The Chair directed staff and Election Division staff to collaborate to draft a solution for the Committee to consider.

(7) Announcement of Next Meeting Date.

The Chair announced that the Committee would meet on the following dates: September 6, October 5, and October 19.¹¹ The Chair also announced that one of the meetings might include a presentation by individuals representing the Census Bureau. If she is unable to arrange this presentation for one of the meetings already scheduled, an additional meeting may be scheduled to hear Census Bureau representatives.

(8) Adjournment.

The Chair adjourned the meeting at 2:34 p.m.

9. MO 048005 is Exhibit #5 to these Minutes.

10. A copy of HEA 1407-2005, SECTION 99 is Exhibit #6 to these Minutes. This enacted provision is a variation of MO 048002.

11. All meetings are currently scheduled to begin at 1:00 p.m. in Room 233 of the State House.